

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CATHERINE MCKOY, et al.,

Plaintiffs,

-v-

THE TRUMP CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 9936 (LGS) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the telephone conference held today, February 16, 2023, the Court orders as follows:

1. Plaintiffs' request to preclude the testimony of Defendants' experts (the "Experts") for Defendants' alleged violation of Fed. R. Civ. P. 26(a)(2)(B)(ii) is DENIED WITHOUT PREJUDICE.
2. By **February 28, 2023**, Defendants shall serve supplemental reports or declarations from the Experts regarding the substance of their discussions in January 2023 with ACN Opportunity, LLC ("ACN") executives Robert Stevanovski ("Stevanovski") and David Merriman ("Merriman").
3. The parties shall promptly meet and confer to schedule the Experts' depositions (the "Expert Depositions").
4. Plaintiffs' renewed request to take the deposition of Stevanovski (the "Stevanovski Deposition") is GRANTED. The Court notes that, after Plaintiffs served a deposition subpoena on Stevanovski (see ECF No. 396 at 3), the Court twice denied Plaintiffs'

request to compel his deposition, finding that Plaintiffs had failed to identify “some burning issue” that Merriman, ACN’s Federal Rule of Civil Procedure 30(b)(6) witness, could not or did not address. (ECF No. 474 at 2; see ECF Nos. 424 ¶ 5; 435 at 64–65). Given Stevanovski’s participation in meetings with the Experts, and the Experts’ apparent reliance on Stevanovski’s statements, however, the Court now finds that Plaintiffs have identified a “burning issue” sufficient to compel his deposition. The Stevanovski Deposition shall be limited to two (2) hours on the record, and questioning shall be limited to the substance of Stevanovski’s discussions with the Experts.

5. The parties are not required to file the letter contemplated in Paragraph 4 of the Seventh Amended Case Management Plan. (See ECF No. 456 ¶ 4). The parties shall, however, file a joint letter by **March 7, 2023** reporting on the status of scheduling the Expert Depositions and the Stevanovski Deposition.

Plaintiffs shall promptly serve a copy of this Order on ACN’s counsel, and order a transcript of today’s conference.

Dated: New York, New York
February 16, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge